

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROY RENNA,

Plaintiff,

- against -

QUEENS LEDGER/GREENPOINT STAR INC.,
Defendant.

Docket No. 17-cv-03378

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Roy Renna (“Renna” or “Plaintiff”), by and through his undersigned counsel, as and for his Complaint against Defendant Queens Ledger/Greenpoint Star Inc. (“Queens Ledger” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of three (3) copyrighted photographs of a drunk driver and his passenger being arrested, owned and registered by Renna, a New York City-based photojournalist. Accordingly, Renna seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or is doing business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Renna is a professional photojournalist in the business of licensing his photographs to online, print, and television media outlets for a fee, having a usual place of business at 69-04 58th Road, Maspeth, New York 11378. Renna's photographs have appeared in many publications in and around the United States.

6. Upon information and belief, Queens Ledger is a corporation duly organized and existing under the laws of the State of New York, with a place of business at 69-60 Grand Avenue, Maspeth, New York 11378. Upon information and belief, Queens Ledger is registered with the New York Department of State, Division of Corporations to do business in the State of New York. At all times material hereto, Queens Ledger has owned and operated a website at the following URL: www.middlevillageblog.com (the "Website").

STATEMENT OF FACTS

A. Background and Plaintiff's Ownership of the Photographs

7. On January 10, 2016, Renna photographed a drunk driver and his passenger being arrested following a car accident (the "Photographs"). A true and correct copy of the Photographs is attached hereto as Exhibit A.

8. Renna then published the Photographs on his Facebook page.

9. Renna is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

10. The Photographs were registered with the U.S. Copyright Office and were given pending Copyright Registration Number 1-4992310331. See Exhibit B.

B. Defendant's Infringing Activities

11. Upon information and belief, on or about January 11, 2016, Queens Ledger ran an article on the Website entitled *FDNY EMS Ambulance hit by alleged drunk driver*. See <http://middlevillageblog.com/2016/01/fdny-ems-ambulance-hit-by-alleged-drunk-driver/>. The article prominently featured the Photographs. A true and correct copy of the article is attached hereto as Exhibit C.

12. Queens Ledger did not license the Photographs from Plaintiff for its article, nor did Queens Ledger have Plaintiff's permission or consent to publish the Photographs on its Website.

FIRST CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST QUEENS LEDGER)
(17 U.S.C. §§ 106, 501)

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Queens Ledger infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on its Website. Queens Ledger is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Queens Ledger have been willful, intentional, and purposeful, in disregard of and with indifference to Plaintiff's rights.

17. As a result of Defendant's infringement of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to recover his damages and Defendant's profits pursuant to 17 U.S.C. § 504(b).

18. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Queens Ledger be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photographs;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiff be awarded pre-judgment interest; and
5. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York
June 6, 2017

LIEBOWITZ LAW FIRM, PLLC

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